

THE BOMBAY DISTRICT POLICE ACT, 1890.

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BOMBAY ACT No. IV OF 1890.¹

[THE BOMBAY DISTRICT POLICE ACT, 1890.]

[4th September 1890.]

Repealed in part, by Act 16 of 1895.

Repealed in part and amended by—

Act 38 of 1920;

Bom. 1 of 1910.

Repealed by Bom. 4 of 1912;

" " " 5 of 1913;

" " " 2 of 1919.

Amended by Bom. 3 of 1898;

" " " 3 of 1915;

" " " 9 of 1918;

" " " 12 of 1920;

" " " 19 of 1925;

" " " 11 of 1927;

" " " 24 of 1930;

" " " 9 of 1931;

" " " 16 of 1931;

" " " 7 of 1933;

" " " 21 of 1933;

" " " 13 of 1934;

" " " 20 of 1935;

" " " 24 of 1935;

" " " 6 of 1936;

" " " 21 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 3 of 1939;

" " " 13* of 1941;

" " " 2* of 1944;

" " " 17† of 1945;

" " " 23§ of 1945;

" " " 16 of 1946;

" " " 28 of 1946;

" " " 6‡ of 1947;

" " " 59 of 1947;

" " " 34 of 1948;

" " " 63 of 1948;

" " " 25 of 1949.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1889, Part V, pp. 82 and 84; for Report of Select Committee, see *ibid.*, 1890, p. 35; and for Proceedings in Council, see *ibid.*, 1890, pp. 29, 66, 80 and 95.

* This Act was repealed and re-enacted by Bom. 59 of 1947, s. 2.

† This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

§ This Act was re-enacted by Bom. 53 of 1947.

‡ This Act shall remain in force for a period of three years [vide sub-section (3) of section 1 of Bom. 6 of 1947 as amended by section 2 of Bom. 30 of 1948].

An Act to amend the law for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the regulation of the District Police of the Presidency of Bombay; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

- Short title.** ¹[1. (1) This Act may be cited as the Bombay District Police Act, 1890.]
- Extent.** (2) It extends to the whole of the Presidency of Bombay, except ²[the Greater Bombay], ³[and Sind], but ⁴[the Provincial Government] may at any time by notification in the ⁵[*Official Gazette*] extend it, or any part of it, to any portion of ⁶[Sind]].
- Repeal of enactments.** 2. Subject to the provisions in section 1, ⁷[sub-section (2)], the enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof s* * *.
- All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.
- All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.
- Definitions.** 3. In this Act, unless there be something repugnant in the subject or context,—
- (a) "Inspector-General", "Deputy Inspector-General", "District Superintendent" ⁸["Additional Superintendent"], ¹⁰["Assistant Superintendent"] and "Deputy Superintendent" mean, respectively the Inspector-General of Police, a Deputy Inspector-General of Police, a District Superintendent of Police, ⁹[an Additional Superintendent of Police], ¹¹[an Assistant Superintendent of Police and a Deputy Superintendent of Police] appointed under this Act ;

¹ This section was substituted by Bom. 3 of 1893, s. 1.

² The words "the Greater Bombay" were substituted for the words "the City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E read with the proviso to section 2 of Bom. 52 of 1947.

³ The words "and Sind" were substituted for the words "Sind and Aden" by the Adaptation of Indian Laws Order in Council.

⁴ The words "the Provincial Government" were substituted for the word "Government", *ibid.*

⁵ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

⁶ The word "Sind" was substituted for the words "either Sind or Aden", *ibid.*

⁷ This word, brackets and figure were substituted for the word, brackets and figure "sub-section (1)" by Bom. 3 of 1893, s. 2.

⁸ The words "but not so as to render invalid anything done in accordance with any of them" were repealed by the Amending Act, 1895 (16 of 1895).

⁹ These words were inserted by Bom. 12 of 1920, s. 2.

¹⁰ These words were substituted for the words "and Assistant Superintendent" by Bom. 1 of 1910, s. 2 and Sch. I.

¹¹ These words were substituted for the words "and an Assistant Superintendent of Police", *ibid.*

(b) "police-officer" means any member of a police-force appointed under this Act ¹[and shall include, subject to the provisions of sub-section (2) of section 22-A, an additional police-officer];

(c) "constable" means a police-officer of the lowest grade;

X of 1889. (d) "district" means a territorial division constituting a district for the purposes of the ²Code of Criminal Procedure, 1882;

(e) "street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay or wharf, and any road, lane, footway, square, court, alley or passage accessible to the public whether a thoroughfare or not;

(f) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

X of 1892. (g) words and expressions which are defined in the ³Code of Criminal Procedure, 1882, have the same meaning as in that Code.

⁴[(h) the expressions "appointment" and "removal", with their respective grammatical variations, used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean, respectively, appointment to, and transfer from, the said office;]

⁵[(i) the expression "subordinate ranks" means members of the police force below the rank of Deputy Superintendent.]

CHAPTER II.

ORGANIZATION OF THE POLICE.

General.

4. In each district of the Presidency of Bombay to which this Act extends, ⁶[the Provincial Government] may * * * * * establish and entertain a police-force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for * * * * *. Police force to be entertained in each district.

⁷[Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of any police-force shall be such as may be determined by the Provincial Government.]

5. (1) For the direction and supervision of the police-force of every portion of the presidency to which this Act extends, ⁸[the Provincial Government] shall appoint an Inspector-General of Police who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by ⁹[the Provincial Government] in this behalf. Appointment and authority of Inspector-General of Police.

¹ These words, brackets, figures and letter were inserted by Bom. 11 of 1927, s. 2.

² See now Act 5 of 1898.

³ Clause (h) was added by Bom. 20 of 1935, s. 2.

⁴ Clause (i) was inserted by the Adaptation of Indian Laws Order in Council.

⁵ The words "the Provincial Government" were substituted for the word "Government", *ibid.*

⁶ The words "subject in the case of officers of the Indian Police of and above the rank of Assistant Superintendent to the control of the Governor General in Council" were omitted, *ibid.*

⁷ The words "and receiving such salaries and allowances as shall from time to time be directed and approved by Government" were omitted, *ibid.*

⁸ These words were inserted, *ibid.*

and of
Deputy
Inspector-
General.

(2) ^{1*} * * * ²[The Provincial Government] may appoint one or more Deputy Inspectors-General of Police, to whom ²[the Provincial Government] may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to ²[the Provincial Government] seem expedient.

(3) ^{3*} * * *

Appointment
of District,
Additional,
Assistant
and Deputy
Superinten-
dents.

⁴[6. (1)] ²[The Provincial Government] may appoint for each district a Superintendent ⁵[and one or more Additional Superintendents] and such Assistant ⁶[and Deputy] Superintendents of Police as it may think expedient, ^{7*} * * *

⁸[An additional Superintendent of Police may, by a general or special order of ²[the Provincial Government], be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act ⁹[or under any other law for the time being in force] of a Superintendent of Police.]

¹⁰[The District Superintendent of Police may, with the previous permission of the Provincial Government, delegate any of the powers conferred upon him by or under this Act ⁹[or under any other law for the time being in force] to an Assistant Superintendent or Deputy Superintendent of Police.]

¹¹[(2) ²[The Provincial Government] may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. ^{12*} * * *]

Commis-
sioners and
Inspector-
General to
have magis-
terial powers
to exercise
them subject
to such limi-
tations as are
imposed by
Provincial
Government.

7. Each Commissioner throughout the districts under his control, and the Inspector-General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall exercise such powers subject to such limitation as may from time to time be imposed by ²[the Provincial Government].

8. [Appointment of inspectors, sub-inspectors and sergeants.] Omitted by the Adaptation of Indian Laws Order in Council.

9. [Appointment of police-officers of the grades of head-constable and constable]. Omitted by the Adaptation of Indian Laws Order in Council.

¹ The words "Subject to the previous approval of the Governor General in Council" were omitted by Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ Sub-section (3) was omitted, *ibid.*

⁴ Section 6 was renumbered as sub-section (1) of the said section by Bom. 24 of 1930, s. 2.

⁵ These words were substituted for the words "an Additional Superintendent" by Bom. 59 of 1947, s. 3 (1) (i).

⁶ These words were inserted by Bom. 1 of 1910, s. 2 and Sch. I.

⁷ The words "and may suspend, reduce, or transfer any of such officers as it may think fit and Government may also dismiss or remove from service any Deputy Superintendent of Police" were omitted by the Adaptation of Indian Laws Order in Council.

⁸ This paragraph was added by Bom. 12 of 1920, s. 3 (b).

⁹ These words were inserted by Bom. 59 of 1947, s. 3 (1) (ii).

¹⁰ This portion was inserted by Bom. 3 of 1939, s. 2.

¹¹ Sub-section (2) was inserted by Bom. 24 of 1930, s. 2.

¹² The words "He may be transferred, suspended or removed from office by Government" were omitted, by the Adaptation of Indian Laws Order in Council.

10. An inspector, ¹[a sub-inspector or a sergeant] shall, on appointment, receive from the Inspector-General ²[or Deputy Inspector-General, as the case may be,] a certificate of appointment containing particulars of his ³ * * name, age, ⁴ * * * religion and of his previous service, if any. Certificates of appointment to be given to inspectors, sub-inspectors or sergeants.
11. ⁵[(1) Every police-officer of the grade of head constable and constable shall on enrolment receive a certificate in the form of Schedule B, which shall be issued under the seal of the District Superintendent, or, in the case of police-officers in the Criminal Investigation Department, under the seal of the Deputy Inspector-General, Criminal Investigation Department.] Certificates of office to be given to police-officers of the grade of head-constable and constable.
- (2) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police officer. Powers, etc. of persons appointed as aforesaid.
- (3) (a) Every certificate of appointment shall become null and void whenever the person named therein for any reason ceases to belong to the police. Such certificates when to become null and void.
- (b) The powers, functions and privileges vested in a police-officer shall be temporarily suspended whilst such police-officer is suspended from office. Temporary suspension of powers, etc., of police-officers.
- Such police-officer shall not by reason of such suspension cease to be a police-officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.
12. The District Superintendent shall, subject to the orders of the Inspector-General and of the Magistrate of the district, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police-force of his district. General Powers of District Superintendent.
13. (1) The District Superintendent and the police force of a district shall be under the command and control of the Magistrate of the district. Control by Magistrate of the district, subject to rules and orders of Provincial Government and lawful orders of the Commissioner.
- (2) In exercising authority under the preceding sub-section, the Magistrate of the district shall be governed by such rules and orders as ⁶[the Provincial Government] may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner.
- (3) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (1). Inspector-General in issuing rules and orders, to give furtherance to purposes of sub-section (1).

¹ These words were inserted by Bom. 2 of 1919, s. 2 and Sch. I.

² These words were inserted by Bom. 20 of 1935, s. 5.

³ The word "race" was deleted by Bom. 31 of 1948, s. 2 (1).

⁴ The words "caste or" were deleted, *ibid.*

⁵ This sub-section was substituted by Bom. 2 of 1919, s. 2 and Sch. I.

⁶ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Additional police-force to be furnished to any district by the Inspector-General on requisition of District Magistrate.

14. If the Magistrate of the district considers that there is, or on any particular occasion will be, pressing need for a police-force that cannot be furnished by his own district, he shall communicate with the Inspector General, who shall, as far as possible, and subject to the orders of ¹[the Provincial Government], comply with the requisitions of the Magistrate of the district.

District Superintendent may be required by District Magistrate to furnish reports.

15. The Magistrate of the district may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police-force ²[the conduct and character of any police-officer subordinate to the District Superintendent,] the utilization of auxiliary means and all other matters in furtherance of his control of the police-force and the maintenance of order.

District Magistrate's general powers of supervising the police-force of his district.

16. If the Magistrate of the district observes marked incompetence, or unfitness for the locality or for his particular duties, in any officer subordinate to the District Superintendent, he may call on the Superintendent to substitute another officer for any officer whom he has power to remove and the Superintendent shall be bound to comply with such requisition. In the case of an Inspector or officer of higher grade, the Magistrate of the district may communicate with the Inspector-General, who shall thereon determine the measures to be taken with careful attention to the views of the Magistrate of the district and shall inform him of the orders he may issue.

Power of Commissioner to issue directions in respect of police-force.

17. (1) A Commissioner may make any order with respect to the police-force in any district within the division subject to his authority, which the Magistrate of the district might make, and any order which he may be authorized to make by any rule lawfully made by ¹[the Provincial Government] under the provisions of this Act or other law in force, and may also in case of emergency direct any portion of such force appointed for one district to be employed in any other district in such division.

Such direction ordinarily to be to the District Magistrate and to be communicated to the Inspector-General.

(2) An order under sub-section (1) shall ordinarily be directed to the Magistrate of the district concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the district. The order shall in each case be communicated by the Commissioner to the Inspector-General.

Commissioner may call Inspector-General's attention to defects in the police of his division which shall be remedied.

18. In such matters falling under his observation as lie within the sphere of authority of the Inspector-General, a Commissioner may call the Inspector-General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector-General in every such case to remedy defects, and to remove causes of complaint and to conform to the requests of the Commissioner where the same shall be lawful and consistent with the orders of ¹[the Provincial Government] and other lawful commands, requests and instructions. He shall communicate the steps taken by him to the Commissioner.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² These words were inserted by Bom. 4 of 1912, s. 3.

19. A Commissioner may call on the Magistrate of a district for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder as he may think necessary, as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law. Every such order shall be directed to the Magistrate of the district and shall be communicated to the Inspector-General.

Commissioner may call on District Magistrate for reports on state of crime, etc., and issue orders thereon.

20. ¹[The Inspector-General] shall, subject to the orders of ²[the Provincial Government] have authority to investigate and regulate all matters of account connected with the police * * * subject to his authority, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to conform to his lawful orders consequent thereon.

the Inspector-General may investigate and regulate all matters of police accounts.

Special.

21. (1) Whenever it shall appear to a Magistrate of the second class or of higher rank having jurisdiction at a town or place, that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police-force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police-officer not lower in rank than a ⁴[sub-inspector] by a written order signed by himself and sealed with his official seal appoint to be special police-officers for such time and within such limits as he shall think necessary so many persons fit and willing to act as such officers as he shall think proper.

Appointment of special police-officer.

(2) Every special police-officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police-officer; but it shall not be necessary for him to receive a certificate of office under section 11.

Powers and responsibilities of special police-officers.

Additional.

22. (1) Any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district.

Employment of additional police at request of persons showing the necessity therefor.

(2) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the District Superintendent thinks fit.

Cost thereof.

¹ These words were substituted for the words "A Commissioner" by Bom. 4 of 1912, s. 4.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ The words "within the division" were repealed, *ibid.*

⁴ This word was substituted for the words "chief constable" by Bom. 4 of 1912, s. 5.

Proviso
regarding
relief from
cost.

(3) Provided that, if the person upon whose application such additional police are employed shall at any time make a written requisition to the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the District Superintendent shall determine.

(4) In acting under this section the District Superintendent shall be subject to the provisions of section 13 (1).

Power to
appoint
additional
police-
officers.

¹[22A. (1) ²[The Provincial Government] may³ * * * * * appoint for such time and on such pay, and of such rank or grade, as it shall think fit, additional police-officers to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

(a) on the application of any person, at the charge of such person, or

(b) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.

(2) Every additional police-officer so appointed shall on appointment,—

(a) receive a certificate in the form of Schedule C;

(b) be vested with all or such of the powers, privileges and duties of a police-officer as are specially mentioned in the certificate; and

(c) be subject to the orders of the District Superintendent.

Notice to be
given for
discontinu-
ance.

(3) In any case in which such police-officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the District Superintendent of such notice or on the expiry of such shorter period as the District Superintendent may fix, the appointment of such police-officers shall cease.

Payments
to be
accounted
for.

(4) All moneys received by the District Superintendent for the payment of any such additional police-officers shall be accounted for by him.

Dispute as to
payment
of cost.

(5) In the event of any dispute in any case under this section the decision of the District Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the District Superintendent, be recovered by the Collector from such person as an arrear of land revenue.]

Employment
of additional
police near
large works.

23. (1) Whenever it shall appear to any Magistrate of a district that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, such Magistrate may, with the sanction of "[the Commissioner], depute such additional police to the said place as he shall think fit, and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

¹ Section 22A was inserted by Bom. 11 of 1927, s. 3.

² The words "The Provincial Government" were substituted for the words "Any District Superintendent" by the Adaptation of Indian Laws Order in Council.

³ The words "in his discretion" were omitted. *ibid.*

⁴ These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the district, with the sanction of ¹[the Commissioner], shall from time to time require. Cost thereof.

24. In case of any dispute in any case under section 22 or section 23, the decision of the Magistrate of the district shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Magistrate of the district, be levied by the Collector as if it were an arrear of land-revenue due by the person found to be answerable therefor. Disputes as to payment of cost.

25. (1) ²[The Provincial Government] may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police. Employment of additional police in cases of special danger to the public peace.

³(2) The cost of such additional police shall, if ⁴[the Provincial Government] so direct be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged— Cost thereof.

(a) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons, and ⁵[the Provincial Government] may direct the proportions in which such tax or rate shall be charged :

⁶[Provided that a copy of every direction given by ²[the Provincial Government] under this sub-section shall be sent forthwith to each member of the ⁷[Legislative Assembly of the Province], and shall be laid on the table of the ⁸[Legislative Assembly of the Province] at the commencement of the session next following the date of such direction, and the question whether the said cost or any part thereof shall be defrayed in the manner specified in this sub-section or whether it shall be defrayed out of the general revenues of ⁹[the Provincial Government] shall, if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the ¹⁰[said Assembly] ; and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session.]

Explanation.—For the purposes of this section and of section 25A “inhabitants” shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area, notwithstanding that they do not actually reside therein.]

¹These words were substituted for the word “Government” by Bom. 8 of 1915, s. 2 and Sch. 1.

²The words “the Provincial Government” were substituted for the word “Government” by the Adaptation of Indian Laws Order in Council.

³This sub-section was substituted by Bom. 8 of 1898.

⁴This proviso was inserted by Bom. 19 of 1925, s. 2.

⁵The words “Legislative Assembly of the Province” were substituted for the words “Bombay Legislative Council” by the Adaptation of Indian Laws Order in Council.

⁶The words “said Assembly” were substituted for the words “said Council”, *ibid.*

Extension of
period for
payment of
cost.

¹[(3) It shall be lawful for ²[the Provincial Government] to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond [the period for which such additional police are actually employed.]

Assessment
of cost.

³[(4) The said tax shall be imposed, or the said rate shall be assessed, except in a municipal district, by the Collector at his discretion. If the local area in which any such tax is to be imposed or any such rate is to be assessed, is a municipal district, * * * the rate shall be assessed by the municipality conformably to the direction given by ²[the Provincial Government] under sub-section (2) ⁶[or where the Commissioner so directs, the tax shall be imposed or the rate shall be assessed by the Collector at his discretion].]

Exemption
from liability
to bear cost.

¹[(5) It shall be lawful for ²[the Provincial Government], by order, to exempt any persons from liability to bear any portion of such cost.]

Compensa-
tion for in-
jury caused
by an unlaw-
ful assembly
how recover-
able.

⁶[25A. (1) With the previous sanction of ⁷[the Commissioner], the Magistrate of the district may—

(a) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(b) require the Collector to recover the amount so determined in such proportions as the Magistrate of the district may with the like sanction direct from all inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(c) if such area is a municipal district, at his discretion require the municipality to assess and recover such amount ⁸[and a sum not exceeding three percent. of such amount] by a tax or by a rate which the municipality shall impose and levy from such persons and in such proportions in accordance with such directions; and

(d) require the Collector or the municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the district considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption
from liability
to pay com-
pensation.

(2) It shall be lawful for ⁷[the Commissioner] by order to exempt any persons from liability to pay any portion of such compensation.

¹ This sub-section was inserted by Bom. 3 of 1898, s. 6.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This sub-section was substituted, by Bom 3 of 1898.

⁴ The words "the amount of the charge shall be paid by the municipality from the municipal fund or" were omitted by Bom. 19 of 1925, s. 2(2).

⁵ These words were inserted by Bom. 24 of 1930, s. 3.

⁶ This section was inserted by Bom. 8 of 1893, s. 7.

⁷ These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

⁸ These words were inserted by Bom. 59 of 1947, s. 3 (2)(a).

(3) No recovery shall be made and no compensation shall be granted under this section except upon a claim made within ¹[45 days] from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid. Conditions under which compensation recoverable.

(4) Every declaration, assessment, direction and order made by the Magistrate of the district under sub-section (1) shall be subject to revision by ²[the Commissioner] ³* ⁴* ⁵* ⁶* but save as aforesaid shall be final. Orders of District Magistrate subject to revision.

⁴[(4A) The Commissioner and the Magistrate of the district shall discharge their functions under this section subject to any general or special orders of the Provincial Government in this behalf.] Commissioner and District Magistrate to act under orders of Provincial Government.

(5) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.] Bar to maintaining civil suit.

26. (1) Every ⁵[tax imposed or] rate assessed under ⁶[the last two preceding sections] or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him : Recovery of rates and charges under sections 25 and 25A by a municipality.

⁷[Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, ⁸[the Provincial Government] may direct the Collector to impose such tax or assess such rate or to make such recovery.]

⁹[(1A) The municipality or the Collector, as the case may be, shall every three months pay the amount recovered by it or him to the Magistrate of the district.] Municipality or Collector to pay amount recovered every three months.

⁹(1B) Out of the total amount recovered by the municipality a sum equivalent to the amount of the compensation determined under clause (a) (i) of sub-section (1) of section 25A shall be paid to the Magistrate of the district and the balance, if any, shall be credited to the municipal fund constituted under section 51 of the Bombay District Municipal Act, 1901 or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be.] Amount of compensation to be paid to District Magistrate, balance to be credited to municipal fund.

¹ These figures and words were substituted for the words "one month" by Bom. 34 of 1948, s. 2 (2).

² These words were substituted for the word "Government" by Bom 3 of 1915, s. 2 and Sch. I.

³ The words "or by such officer as they from time to time empower in this behalf" were repealed, *ibid.*

⁴ Sub-section (4A) was inserted by Bom. 59 of 1947, s. 3 (2) (b).

⁵ These words were inserted by Bom. 3 of 1898, s. 8 (1) (a).

⁶ These words were substituted for the words "the last preceding section", *ibid.*, s. (1) (b).

⁷ This proviso was substituted for the original proviso by Bom. 24 of 1930, s. 4 (a).

⁸ The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

⁹ Sub-sections (1A) and (1B) were inserted by Bom. 59 of 1947, s. 3 (3).

By the
Collector.

(2) Every [tax imposed or] rate assessed ¹[or amount recoverable] by the Collector ²[under any provision of this Act] shall be recoverable by the Collector as if it were an arrear of land-revenue due by the person answerable therefor.

Compensation in respect of death or grievous hurt not to be assigned, attached or charged.

³[26A. The compensation payable to any person under section 25 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.]

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of the police.

27. Subject to the orders of ⁴[the Provincial Government], the Inspector-General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(a) relating to the recruitment, organization, classification and discipline of the police ;

(b) regulating the inspection of the police by his subordinates ;

(c) determining the description and quantity of arms, accoutrements, clothing and other necessities to be furnished to the police ;

(d) for the institution, management and regulation of any police fund for any purpose connected with police administration ;

(e) regulating, subject to the provisions of section 13, clause (1), and section 17, the distribution, movements and location of the police ;

(f) regulating the duties of police-officers of different grades ;

(g) regulating the collection and communication by the police of intelligence and information ;

(h) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

Inspector-General may call for returns, etc.

28. The Inspector-General of Police may, subject to the rules and orders of ⁴[the Provincial Government], call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the district and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which ⁴[the Provincial Government] may direct.

¹ These words were inserted by Bom. 3 of 1898, s. 8 (2).

² These words were substituted for the words "as aforesaid" by Bom. 24 of 1930, s. 4 (b).

³ Section 26A was substituted for the original by Bom. 59 of 1947, s. 8 (d).

⁴ The words the "Provincial Government" were substituted for the word "the Government" by the Adaptation of Indian Laws Order in Council.

29. (1) The ¹[Provincial Government], or any officer authorised by sub-section (3) in that behalf, may suspend, reduce or dismiss any ²[member of the subordinate ranks of the police force] whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any ²[member of the subordinate ranks of the police force] ³* * * * * who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty. Punishment of the member of the subordinate ranks of the police force departmentally for neglect of duty, etc.

(2) Any punishment inflicted on a ⁴[member of the subordinate ranks of the police force] under this section shall be in addition to the penalty to which such officer is liable under section 36, 63 or 64 of this Act or any other law in force. Punishment under this section to be in addition to penalty under section 36, 63 or 64.

(3) The Inspector-General ⁵[and Deputy Inspector-General] shall have authority to punish ⁶[any ⁴[member of the subordinate ranks of the police force] of, and below the grade of inspector] under sub-section (1). ⁷[A District Superintendent shall have] the like authority in respect of any police-officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such inspector and until an order of the Inspector-General ⁸[or Deputy Inspector-General] can be obtained. ⁹[The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any ⁴[member of the subordinate ranks of the police force] below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General ⁸[or Deputy Inspector-General] can be obtained.] But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by ¹⁰[the Provincial Government] in that behalf. Punitive powers of Inspector-General, Deputy Inspector-General and Superintendent.

30. When any officer passes an order for fining, suspending, reducing or dismissing a police-officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English. Procedure to be observed in awarding punishment.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² The words "member of the subordinate ranks of the police force" were substituted for the words "police-officer", *ibid.*

³ The words "below the grade of Assistant or Deputy Superintendent" were omitted, *ibid.*

⁴ The words "member of the subordinate ranks of the police force" were substituted for the words "police-officer", *ibid.*

⁵ The words "and Deputy Inspector-General" were inserted by Bom. 20 of 1935, s. 6 (i).

⁶ These words were substituted for the words "an inspector" by Bom. 13 of 1934, s. 2.

⁷ The words "A District Superintendent shall have" were substituted for the words "the Deputy Inspector-General of Police, Criminal Investigation Department, and a District Superintendent shall each have" by Bom. 20 of 1935, s. 6 (ii).

⁸ The words "or Deputy Inspector-General" were inserted, *ibid.*, s. 6 (iii).

⁹ These words were inserted by Bom. 24 of 1930, s. 5 (b).

¹⁰ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Departmental
punishment
for insub-
ordination.

31. (1) The Inspector-General and any District Superintendent and any Assistant ¹[or Deputy] Superintendent in charge of a portion of a district may punish by confinement for a period not exceeding three days, any police-officer below the rank of head constable who is in his presence, grossly insubordinate or who is insolent to him.

Procedure to
be observed
in awarding
such punish-
ment.

(2) Every order for punishing a police-officer as aforesaid shall be recorded in the manner prescribed in section 30, and a copy of every such order made by a District Superintendent or an Assistant ¹[or Deputy] Superintendent shall be forwarded by him to his immediate superior.

31A. [Conditions of service.] *Repealed by the Adaptation of Indian Laws Order in Council.*

Police-officers
to be deemed
to be always
on duty and
to be liable to
employment
in any part
of the presi-
dency.

32. (1) Every police-officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police-officer and any number or body of police-officers appointed for one part of the presidency may, if ²[the Provincial Government] or the Inspector-General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required.

Intimation
of proposed
transfers to
be given by
the Inspector-
General to
the Commis-
sioner and
District
Magistrate.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and Magistrate of the district by the Inspector-General of any proposed transfer under this section, and, except where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

33. [Police-officers not to engage in trade ; etc.]

Police-officers under the rank of Assistant Superintendent to be employed on other than police duties.

These prohibitions to apply also when a police-officer is on leave or under suspension.] Repealed by Bom. 24 of 1930, s. 6.

Under what
conditions
police-officer
may resign.

34. (1) Unless with the written permission ³[of the Deputy Inspector-General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or] of the District Superintendent or of some other police-officer empowered by the Inspector-General to grant such permission, no police-officer under the rank of Assistant ⁴[or Deputy]

¹ These words were inserted by Bom. I of 1910, s. 2 and Sch. I.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ These words were inserted by Bom. 24 of 1930, s. 7 (i) (a).

⁴ These words were inserted by Bom. I of 1910, s. 2 and Sch. I.

Superintendent shall resign his office or withdraw himself from the duties thereof, until—

¹(a) the expiration of two months after written notice of his intention so to do has been given by him to the ²[Deputy Inspector-General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be:] and until

¹(b) he has fully discharged any debt due by him, as such police-officer, to [the Crown] or to any Police fund :

(2) Provided that if any such police-officer produces a certificate signed ^{Proviso.} by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him ¹as aforesaid.

(3) If any such police-officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the ²[Deputy Inspector-General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be] to forfeit all arrears of pay then due to him: This forfeiture shall be in addition to the penalty to which the said officer is liable under section 35 of this Act or other law in force. ^{Arrear pay of a police-officer contravening this section may be forfeited.}

35. (1) Every person who for any reason ceases to be a police-officer shall forthwith deliver up to some officer empowered by the ⁴[Deputy Inspector-General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police-officer is subordinate] to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessities which have been furnished to him for the execution of his office. ^{Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and}

(2) Any Magistrate and, for special reasons which shall be recorded in writing at the time, ⁵[the Deputy Inspector-General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or] any District Superintendent, ⁶[Assistant Superintendent or Deputy Superintendent] may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessities not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the ⁷Code of Criminal Procedure, 1882, by a police-officer or, if the Magistrate, ⁸[the Deputy Inspector-General of Police, Criminal Investigation Department, the Principal of the

X of
1892.

¹ The Police (Resignation of Office) Ordinance, 1942 (Ordinance No. 11 of 1942), which provided that in section 34 of the Bombay District Police Act, 1890, in sub-section (1), the word "until" and clauses (a) and (b) shall be omitted and in sub-section (2), for the words "as aforesaid" the words "as such police-officer to the Crown or to any police fund" shall be substituted, ceased to be in force with effect from the 1st day of October 1946 by operation of the provisions of section 102 (4) read with section 311 (6) of the Government of India Act, 1935. The word "until" and clauses (a) and (b) in sub-section (1) and the words "as aforesaid" in sub-section (2) have therefore, been restored.

² These words were substituted for the words "District Superintendent" by Bom. 24 of 1930, s. 7.

³ These words were substituted for "Government" by the Adaptation of Indian Laws Order in Council.

⁴ These words were substituted for the words "District Superintendent" by Bom. 24 of 1930, s. 8 (a).

⁵ These words were inserted *ibid.*, s. 8 (b) (i).

⁶ These words were inserted by Bom. 3 of 1915, s. 2 and Sch. I.

⁷ See now Act 5 of 1893, Central Acts.

⁸ These words were inserted by Bom. 24 of 1930, s. 8 (b) (ii).

Central Police Training School, Nasik,] ¹[District Superintendent, Assistant Superintendent or Deputy Superintendent] issuing the warrant so directs, by any other person.

Saving of certain articles. A

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc., and for misconduct of police-officers.

36. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police-officer, or

(2) any police-officer who—

¹(a) is guilty of cowardice, or

²(b) resigns his office or withdraws himself from the duties thereof in contravention of section 34, or

³(c) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police-officer, it is his duty to observe or obey, or

²(d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 34.

Penalty for failure to deliver up certificate of appointment or of office or other article.

37. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 35, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Provincial Government may make order under section 144, Code of Criminal Procedure.

38. ¹[The Provincial Government], whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under section 144 of the 'Code of Criminal Procedure' could ^x be continued in force by ²[the Provincial Government] under the enactment 1882. aforesaid.

CHAPTER IV.

POLICE REGULATIONS.

Rules may be made by District Magistrate regarding use of streets, etc.

39. (1) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders—

(a) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

¹ These words were substituted for the words "or District Superintendent" by Bom. 3 of 1915, s. 2 and Sch. I.

² Clause (a) of sub-section (2) was repealed; and clauses (b) to (e) of the said sub-section were re-lettered as clauses (a) to (d) respectively by Bom. 24 of 1930, s. 9.

³ The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ See now Act 5 of 1898.

(b) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(c) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(d) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(e) prescribing certain hours of the day during which odour and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(f) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire, or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(g) prohibiting, except under such reasonable regulations as the Magistrate of the district may impose, the making of any excavation, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street;

(h) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased;

(i) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(j) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by ¹[the Provincial Government] with a view to prevent the disease or to check the spreading thereof;

(k) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply, or receptacle of water, and providing against pollution of the same or of the water therein;

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(l) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmasala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(m) regulating ¹* * * the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience;

²[(n) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used.]

Manner of publication of such rules.

(2) Every regulation made under clause (h) or made under clause (l) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the Magistrate of the district under clause (c), (e), (f), (g), ³[(h), (i) or (n)] shall be published by affixing a copy thereof, in the language of the district, in the chavdi, or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (a), (b), (j), (k) or (l) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates.

Rules under clause (j) to be reported to the Commissioner.

(3) Every rule promulgated under the authority of article (j) of clause (I) of this section shall be forthwith reported to ⁴[the Commissioner] and shall be in force for not more than fifteen days unless extended by ⁴[the Commissioner] for a longer period and, in such case, for so long as ⁴[the Commissioner] directs.

(4) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Rules for licensing and controlling theatres and other places of public amusement.

⁵[39A. With the previous sanction of the ⁶[Provincial Government] the Magistrate of the district may from time to time make rules for licensing and controlling theatres and other places of public amusement, entertainment or assembly, including the entrance and exit of persons thereat and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly, ⁷[or the using of loudspeakers in any public places or places of public entertainment.]

Power of Magistrate of the district to levy fees under rules made under section 39A.

⁸[39AA. Notwithstanding anything contained in this Act, it shall be deemed to be lawful and always to have been lawful, for the Magistrate of the district under the rules made under section 39A, to prescribe and levy fees for licensing theatres and other places of public amusement, entertainment or assembly.]

¹ The words "the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and" were repealed by Bom. 4 of 1912, s. 6 (1).

² Clause (n) was added by Bom. 24 of 1930, s. 10 (a).

³ These brackets, letters and word were substituted for the brackets, letters and word, "(h) or (i)", *ibid.* s. 10 (b).

⁴ These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

⁵ This section was inserted by Bom. 4 of 1912, s. 6 (2).

⁶ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁷ These words were added by Bom. 34 of 1948, s. 2 (3).

⁸ This section was inserted by Bom. 2 of 1944, s. 2, read with Bom. 50 of 1917, s. 2 (2).

¹[39AB. With the previous sanction of the Provincial Government, the Magistrate of the district may from time to time make rules regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement.]

Rules for regulating or prohibiting sale of tickets or passes for admission to places of public amusement.

²[39B. The Magistrate of the district may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Magistrate of the district may also make such orders as he deems fit for regulating the use of such barriers.]

District Magistrate may authorise erection of barriers on streets.

³[39C. (1) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time, with the previous approval of the Commissioner, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose :

Power to make rules prohibiting disposal of the dead except at places set apart.

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart :

Provided further that the Magistrate of the district or any officer authorised by him in this behalf may in his discretion on an application made to him by any person grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(2) Any rules made under sub-section (1) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(3) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (c) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published.

Bom.
II of
1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time being in force.]

40. Every Magistrate of a district may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licences for such operations.

District Magistrates may make rules for blasting and excavation. Discontinuance of brothels.

41. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or village in his district or sub-division to which "[the Provincial Government]" has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being

¹ Section 39AB was inserted by Bom. 59 of 1947, s. 3 (5).

² This section was inserted by Bom. 13 of 1941, s. 2 read with Bom. 59 of 1947, s. 2 (2).

³ This section was inserted by Bom. 16 of 1946, s. 2.

⁴ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order to discontinue such use of it.

Issue of orders by Magistrates for prevention of disorder..

42. (1) The Magistrate of the district ¹* * * * * may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in ²[any] town or village or the vicinity thereof the carrying of arms, cudgels or other weapons ³[or of corrosive substances or of explosives], the carrying, collection and preparation of stones or other missiles ⁴or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, ⁵[playing of music], delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority. ⁶[If any person goes armed with any such weapon or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any police-officer and the weapon, corrosive substance, explosive or missile so seized shall be forfeited to the Provincial Government.]

⁶[(1A) In the absence of the Magistrate of the district a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf having jurisdiction in any town or village and present therein or in the neighbourhood thereof may similarly issue a prohibitory order of the nature referred to in sub-section (1) which shall have operation in such town or village and the vicinity thereof.]

Any one of several Magistrates having jurisdiction may issue order.

(2) If in any town or village or the vicinity thereof there are two or more Magistrates of the First Class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

Orders by subordinate Magistrate to be communicated to the District Magistrate.

(3) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders by Magistrate of the district for prevention of riot or grave disturbance of the peace.

43. In order to prevent an impending or apprehended riot or grave disturbance of the peace the Magistrate of the district may temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

¹ The words "or in his absence and subject to his order the Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof", were omitted by Bom. 9 of 1931, s. 2 (1) (a).

² The word "any" was substituted for the word "such", *ibid.*, s. 2 (1) (b).

³ These words were inserted by Bom. 6 of 1947, s. 28 (1).

⁴ These words were inserted by Bom. 3 of 1893, s. 10.

⁵ These words were added by Bom. 59 of 1947, s. 3 (6).

⁶ Sub-section (1A) was inserted by Bom. 9 of 1931, s. 2 (2).

44. (1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Issue of orders by Magistrate of the district for maintenance of order at religious ceremonies, etc.

(2) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested as to the rights and duties of any person affected by the order aforesaid.

Orders to be subject to decrees, etc., of Courts.

45. (1) Whenever it shall appear to the Magistrate of a district that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled, or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

(2) It shall be lawful for the Magistrate of the district or for the Collector on the requisition of the Magistrate of the district, subject to the orders of [the Commissioner], to assess and levy such reasonable fees on persons falling under the provisions of sub-section (1) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Levy of fees¹ in such cases.

(3) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Recovery of expenses from municipalities.

*46. [(1)] Whenever it shall appear to the Magistrate of a district or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves

Dispersal of gangs and bodies of persons.

¹ These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

² Section 46 was renumbered as sub-section (1) of that section by Bom. 21 of 1933, s. 4 (i).

* Section 9 of Bom. XVI of 1946 runs as follows:—

Saving of directions made under section 46 (2) of Bom. IV, of 1890.—Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (2) of section 46 of the Bombay District Police Act, 1890 (Bom. IV of 1890) prohibiting the entry of any person into Greater Bombay, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Commissioner of Police under sub-section (2A) of section 27 of the City of Bombay Police Act, 1902 (Bom. IV of 1902).

as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself ¹[outside the Province or to such place within the Province and] by such route ²[and within such time] as such Magistrate shall prescribe ³[and not to enter the Province or, as the case may be, the district.]

Special provisions respecting local areas.

⁴[(2) Nothing in sub-sections (3) to (5) shall apply to any local area except the Thana District unless the Provincial Government, if in its opinion it is necessary or expedient so to do, by notification in the *Official Gazette* directs that the provisions of the said sub-sections shall apply to it.]

Removal of persons about to commit offences.

(3) Where it appears to the Magistrate of a district or to any Sub-Divisional Magistrate that the movements or acts of any person in the district are causing or calculated to cause alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI, XVII or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of the Magistrate witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, the Magistrate may by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit direct such person to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Magistrate may prescribe ⁵[and not to enter the Province or, as the case may be, the district.]

Removal of persons convicted of certain offences.

(4) The Magistrate of a district or a sub-divisional Magistrate may also, by order direct any person who, not having been born in the district, has been convicted of any offence punishable ⁶[under—

(i) Chapter XII, XVI or XVII of the Indian Penal Code,

⁷[(ii) section 65 or 68 of the Bombay Prohibition Act, 1949,]

(iv) Chapter III of the Dangerous Drugs Act, 1930 or

(v) section 4 or 12A of the Bombay Prevention of Gambling Act, 1887,]

to remove himself in like manner from the district and not to enter the same.

Decision of Magistrate regarding the place of birth final.

(5) For the purposes of sub-section (4) the decision of the Magistrate of the district or the sub-divisional Magistrate that a person has or has not been born in the district shall be final.]

Removal of habitual offenders.

⁸[(6) The Magistrate of a district or a sub-divisional Magistrate may also by an order in writing duly signed in the manner prescribed in sub-section (3) direct any person who ⁹[has been twice convicted of an offence under

¹ These words were substituted for the words "to such place" by Bom. 16 of 1946, s. 3 (a).

² These words were inserted by Bom. 21 of 1933, s. 4 (ii).

³ These words were added by Bom. 34 of 1948, s. 2 (4) (a).

⁴ Sub-sections (2) to (5) were substituted for the original sub-sections (2) to (6) by Bom. 16 of 1946, s. 3 (b).

⁵ These words were added by Bom. 34 of 1948, s. 2 (4) (b).

⁶ This portion was substituted for the original by Bom. 63 of 1948 s. 2 (1) (a).

⁷ This clause was substituted for the original clauses (ii) and (iii) by Bom. 25 of 1949, s. 14³ and schedule II.

⁸ Sub-section (6) was inserted by Bom. 59 of 1947, s. 3 (7) (ii).

⁹ These words and figures were inserted by Bom. 63 of 1948, s. 2 (1) (b) (i).

XLV
of
1860.
Bom.
XXV
of
1949.
II of
1930.
Bom.
IV of
1887.

Bom. section 6, 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay-Pre-
XXIII venation of Prostitution Act, 1923 or who has been thrice convicted within a
of period of three years of any offence punishable [under the Bombay Prohibition,
1945, Act, 1949,] or the Dangerous Drugs Act, 1930, or section 4 or 12A
Bom. of the Bombay Prevention of Gambling Act, 1887, to remove himself in like
XI of manner from the district and not to enter the same.]
1923.
Bom.
XXV
of
1949.
II of
1930.
Bom.
IV
of
1887.

[46A. (1) Before an order under sub-section (1), (3) or (4) of section 46 is passed against any person, the Magistrate of the district or the sub-divisional Magistrate, as the case may be, or any officer authorised by him, not being below the rank of an Assistant or Deputy Superintendent, shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the Magistrate of the district or the sub-divisional Magistrate or such officer shall grant such application and examine such witness, unless for reasons to be recorded in writing, he is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the Magistrate of the district, the sub-divisional Magistrate or the said officer by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

Hearing to
be given
before order
under sub-
section (1),
(3) or (4)
of section
46 is passed.

(2) The Magistrate of the district, the sub-divisional Magistrate or the officer authorised under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under sub-section (1), (3) or (4) of section 46 exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the Magistrate, the Magistrate may release him on bail with or without sureties or may from time to time authorize his detention in such custody as he thinks fit for a period not exceeding fifteen days at a time.

v. of
1898.

(3) Any person aggrieved by an order made by the Magistrate under sub-section (1), (3) or (4) of section 46 may appeal to the Provincial Government within thirty days from the date of such order.

(4) An order passed by the Magistrate under sub-section (1), (3) or (4) of section 46 or by the Provincial Government under sub-section (3) of this section shall not be called in question in any Court except on the ground that the Magistrate or the officer authorised by him under sub-section (1) had not followed the procedure laid down in the said sub-section or that there was no material before the Magistrate upon which he could have based his order or on the ground that the Magistrate was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under sub-section (3) of section 46.

¹ These words and figures were substituted for the words and figures "under the Bombay Abkari Act, 1878, or the Opium Act, 1878" by Bom. 25 of 1949, s. 149, Schedule II.

² Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

Proclama-
tion of
emergency.

146B. (1) The Provincial Government may, if satisfied that the public peace or tranquillity in a district or in any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by a proclamation (hereinafter referred to as "proclamation of emergency") in the *Official Gazette* that an emergency exists.

(2) A proclamation of emergency—

(i) may at any time be revoked by a subsequent proclamation,

and

(ii) shall cease to operate at the expiry of one month, unless before the expiry of that period it has been renewed.

(3) After the Provincial Government has under sub-section (1) issued a proclamation of emergency, the Magistrate of the district, whenever it appears to him that the presence, movements or acts of any person in the district is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs calculated to disturb public peace or tranquillity are entertained by such person, may—

(i) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person

(a) so to conduct himself as the Magistrate shall deem necessary in order to prevent the disturbance of the peace

or

(b) to remove himself outside the Province or to such place within the Province and by such route, and within such time, as the Magistrate shall prescribe; ²[and not to enter the Province or, as the case may be, the district]

or

(ii) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time :

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months :

Provided further that any order made under this section shall cease to have effect on the proclamation of emergency ceasing to operate.

(4) The Magistrate shall forthwith submit to the Provincial Government a copy of every order of detention made under sub-section (3) together with the grounds on which it is made.

(5) So long as there is in force in respect of any person an order of detention passed under sub-section (3), he shall be liable to be detained in such place in the Province and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf.

Non-disclo-
sure of source
of informa-
tion.

146C. Nothing contained in section 46A or 46B shall require the Magistrate or any officer to disclose—

(a) to the person against whom an order is made under sub-section (1), (3) or (4) of section 46 or sub-section (3) of section 46B,

or

(b) to the Court, ,
the sources of his information or any fact the communication of which might, in the opinion of the Magistrate or officer, lead to the disclosure of the identity of any person or property.

¹ Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

² These words were added by Bom. 84 of 1948, s. 2 (3).

146D. (1) If a person to whom direction has been issued under section 46 or 46B to remove himself from a district—

(i) fails to remove himself as directed,

or

(ii) having so removed himself, except with the permission in writing of the Magistrate of the district or the sub-divisional Magistrate, as the case may be, enters the district—

(a) if the direction was issued under sub-section (1) of section 46, within two years from the date of his removal,

(b) if the direction was issued under sub-section (3) or (4) of section 46, at any time,

(c) if the direction was issued under sub-section (3) of section 46B, during the continuance of the proclamation of emergency, the Magistrate may cause him to be arrested and removed in police custody to such place outside the district as the Magistrate may in each case prescribe.

(2) Notwithstanding anything contained in sub-section (1) any person ²[(i) who enters] a district in the circumstances specified in clause (ii) thereof, or after having been removed therefrom under the provision of the said clause, ³[or (ii) who in contravention of a direction issued under section 46 or 46B, enters any place in the Province] shall be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.]

47. (1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police-officer of highest rank superior to that of constable, present ⁴[at] such place of amusement * * * or such assembly or meeting * * * may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings ⁵[and the maintenance of the public safety] at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

(2) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (1) and to any direction made thereunder.

48. (1) The District Superintendent or an Assistant ⁷[or Deputy] Superintendent may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf—

(a) make rules for and direct the conduct of ⁸[and behaviour or action of persons constituting] assemblies and processions and moving

¹ Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

² These brackets, figure and words were substituted for the word "entering" by Bom. 34 of 1948, s. 2 (6) (i).

³ These words, brackets and figures were inserted, *ibid.*, s. 2(6) (ii).

⁴ The word "at" was substituted for the words "in the town or village where" by Bom. 5 of 1913, s. 1.

⁵ The words "is situate" and the words "is to be held" were repealed, *ibid.*

⁶ These words were inserted, *ibid.*

⁷ These words were inserted by Bom. 1 of 1910, s. 2 and Sch. I.

⁸ These words were inserted by Bom. 8 of 1898, s. 11.

Procedure on failure of person to leave district and his entry therein after removal.

Police to provide against disorder, etc., at public places of amusement and public meetings.

Police to regulate assemblies, etc., in public streets.

crowds or assemblages on or along the streets, and prescribe in the case of processions, the routes by which, the order in which and the times at which the same may pass ;

(b) regulate and control, by the grant of licences or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street ;

(c) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 39-46 of this Act.

Manner of publication of such rules and orders.

(2) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Provisions as to dogs.

49. (1) The Magistrate of the district may, by public notice, extending to such place or places within the district as shall therein be named require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (2) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

When dogs may be destroyed or sold by the police.

(2) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention ; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(3) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land-revenue.

Provisions in case of dog wearing a collar with owner's address.

(4) When any dog taken possession of by the police wears a collar with apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

Powers under this Chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Provincial Government.

50. Every power conferred by this Chapter on a District Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Magistrate of the district, and all rules, regulations and orders made by the Magistrate of the district under this Chapter shall be subject to the provisions of section 13 (2).

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

51. (1) Every police-officer shall—

Duties of
police-officer.

(a) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(b) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(c) to the best of his ability, prevent the commission of public nuisances;

(d) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason;

(e) aid another police-officer when called on by him or in case of need in the discharge of his duty in such ways as would be lawful and reasonable on the part of the officer aided;

(f) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

(2) Every police-officer may, subject to the rules and orders made by ¹[the Provincial Government] or by a person lawfully authorized, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to
enter places
of public
resort.

(3) When in a street or place of public resort a person has possession or apparent possession of any article which a police-officer in good faith suspects to be stolen property, such police-officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the ²Code of Criminal Procedure or other law in force.

Power to
search
suspected
persons in
a street.

X of
1892.

³[51AA. A police officer may arrest without warrant any person who—

Power to
arrest with-
out warrant.

(a) contravenes an order made under section 42 or 46, or

(b) commits an offence punishable under section 61D or 65A.]

⁴[51A. Any police-officer may, without an order ⁵from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, ⁶[3A], 4, 5, ⁶[6 or 6C] of the Prevention of Cruelty to Animals Act, 1890.]

When police
may arrest
without a
warrant.

XI of
1890.

¹ The words " the Provincial Government " were substituted for the word " Govern- ment " by the Adaptation of the Indian Laws Order in Council.

² See now Act 5 of 1898.

³ Section 51AA was inserted by Bom. 59 of 1947, s. 3 (8).

⁴ Section 51A was inserted by Bom. 11 of 1927, s. 4.

⁵ The figure and letter were inserted by Bom. 28 of 1946, s. 5.

⁶ The figures and letter were substituted for the original, *ibid*.

Powers with
regard to
offences
under Act
XI of 1890.

¹[51B. (1) When in respect of an animal an offence under section 3 or section 5 ²[or sub-section (1) of section 6] of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any police-officer may—

XI of
1890.

(a) take the animal to a Magistrate, or

(b) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the ³[Provincial Government] in this behalf, or

(c) take the animal to an infirmary appointed under sub-section (2) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (3) of the said section, or

(d) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal:

⁴[Provided that in cases falling under clause (b) or (d), the police-officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by ⁵[the Provincial Government] by general or special order and be there detained until its production before a Magistrate:]

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.]

(2) When an animal is brought before a Magistrate under clause (a) of sub-section (1), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (3) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(3) The veterinary officer before whom an animal is brought under clause (b) of sub-section (1) shall with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered ⁶[free of charge] to the accused person if he applies for it * * *

¹ Section 51B was inserted by Bom. 24 of 1930, s. 11.

² These words, brackets and figures were inserted by Bom. 21 of 1936, s. 2 (1) (a).

³ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁴ These provisos were added by Bom. 21 of 1936, s. 2 (1) (b).

⁵ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁶ The words "free of charge" were inserted by Bom. 21 of 1936, s. 2 (2) (i).

⁷ The words "on payment of such fee as Government prescribe" were omitted, *ibid.*, s. 2 (2) (ii).

(4) When ¹[under sub-section (1) a police-officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or] under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act shall, so far as may be, apply.

(5) When a police-officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.]

52. It shall be the duty of every police-officer—

Duties of
police-
officers to-
wards the
public.

(a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves ;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition ;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody ;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance ;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness ;

(f) to use his best endeavours to prevent any loss or damage by fire ;

(g) to use his best endeavours to avert any accident or danger to the public.

53. (1) It shall be the duty of a police-officer—

Police to
regulate
traffic,
etc., in
streets ;

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets ;

(b) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship ;

to keep
order in
the streets
and other
public
places ;
and to
regulate
resort to
public
places.

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

(2) All persons shall be bound to conform to the reasonable directions of police-officer given in fulfilment of any of the said duties.

Persons
bound to
conform to
reasonable
orders of
police.

¹ These words, brackets and figure were inserted, by Bom. 21 of 1936, s. 2 (3).

Police-officer may restrain or remove contumacious person.

(3) A police-officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 42, 43 or 44.

54. Whenever a notification has been duly issued under section 42, or an order has been made under section 43 or 44, it shall be lawful for any Magistrate or police-officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police-officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of the police to see orders issued under section 45 or 46 carried out.

55. It shall be the duty of the police to see that every regulation and notification made by the Magistrate of the district under section 45, or by the Magistrate of the district or a sub-divisional Magistrate under section 46, is duly obeyed to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

Police-officer may take charge of stray cattle.

56. A police-officer may take charge of any animal falling under the provisions of the ¹Cattle Trespass Act which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871.

Duty of police with regard to unclaimed property.

57. The police shall take temporary charge of all unclaimed property found by or made over to them; and shall deliver all such property to the police-patel, if any, of the town or village in which the same was found, and take a receipt therefor from the patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Procedure by Magistrate when property exceeds ten rupees in value.

58. (1) If the property regarding which a report is made to a Magistrate under the last preceding section or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Regulation ²VIII of 1827 (*a Regulation to provide for the formal recognition of heirs, etc.*) or other law in force. Bom. VIII of 1867.

Procedure in other cases.

(2) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of ³[the Provincial Government], and may be sold in public auction under the orders of the Magistrate. Bom. Reg. VIII of 1827.

¹ Central Acts.

² *Supra*.

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(3) The provisions of section 10 of the Regulation aforesaid shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (2).

59. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction, and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale. Power to sell perishable property at once.

60. A police-officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof. A superior police-officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

61. ¹[In any local area to which the ²[Magistrate of the district] by notification from time to time, ³[and subject to the orders of the Commissioner] extends this section or any part thereof,— Punishment of certain street offences and nuisances;

(1) whoever contrary thereto—]

⁴(a) *

⁵[(b) drives a vehicle of any description along a street and except in cases of actual necessity or of some sufficient reason, for deviation, does not keep on the left side of such street and when passing any other vehicle proceeding in the same direction does not keep on the right side of such vehicle]; disregarding the rule of the road;

(c) leaves in any street insufficiently tended or secured any animal or vehicle; leaving cattle, etc., insufficiently tended;

(d) causes obstruction, injury, danger, or alarm in any street, or mischief by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district; causing obstruction or mischief by animal;

¹ For extension of s. 61 to certain local areas in certain Districts. see Bombay Local Rules and Orders. For extension of certain clauses of s. 61 to certain local areas and villages in certain Districts,— see *ibid.*

² These words, figure and brackets were substituted for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto—" by Bom. 24 of 1930, s. 12 (a).

³ The words "Magistrate of the district" were substituted for the word "Commissioner" by Bom. 7 of 1933, s. 2 (1).

⁴ These words were inserted, *ibid.*, s. 2 (2).

⁵ Sub-clause (a) of clause (1) was omitted, *ibid.*, s. 2 (3).

⁶ This clause was substituted for the original clause (b) by Bom. 4 of 1912, s. 7.

• exposing
animal for
hire or sale,
etc.;

(e) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

causing any
obstruction
in a street;

(f) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by the Magistrate of the district, by exposing anything for sale or setting out any thing for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction;

obstructing
a footway;

¹[(g) drives, rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across or upon such footway];

exhibiting
mimetic,
musical or
other per-
formances,
etc.;

(h) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

²[(i) * * * * *]

doing
offensive
acts on or
near public
streets;

(j) slaughters any animal, cleans a carcass or hide, obeys a call of nature or causes a child to do so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or some other person having lawful authority in that behalf) so as to cause annoyance to the neighbouring residents or to passersby;

letting loose
horses, etc.,
and suffer-
ing ferocious
dogs to be
at large;
bathing or
washing in
places not
set apart
for those
purposes;

(k) negligently lets loose any horse or other animal, so as to cause danger injury, alarm or annoyance, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal;

(l) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the district or other person having lawful authority in that behalf;

defiling
water in
public wells,
etc.;

(m) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

¹ Clause (g) was substituted for the original clause by Bom. 24 of 1930, s. 12 (c).

² Sub-clause (i) was deleted by Bom. 34 of 1948, s. 2 (7) (a).

(n) obstructs or incommodes a person, bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart; obstructing bathers; in public;

(o) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house; behaving indecently in public;

¹(p)*

(q) wilfully pushes, presses, hustles, or obstructs any passenger in a street, or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses, or cattle or otherwise disturbs the public peace or order; obstructing or annoying passengers in the street;

(r) uses in any street any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned. misbehaviour with intent to provoke a breach of the peace;

²(s)*

shall be punished with fine which may extend to fifty rupees ³[or may be released after due admonition];

* ⁴[(2) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both]; begging and exposing offensive ailments.

⁵[(3) whoever contrary thereto assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering shall be punished— Gambling in streets.

(t) for a first offence, with imprisonment for a term which may extend to one month and shall also be liable to fine, and

(tt) for a subsequent offence, with imprisonment for a term which may extend to six months and shall also be liable to fine.]

61AA. [Punishment for being drunk and for disorderly behaviour.]
Repealed by Bom. XXV of 1949, s. 148 and Schedule II.

¹Sub-clause (p) was deleted by Bom. 59 of 1947, s. 8 (9).

²Sub-clause (s) was omitted by Bom. 24 of 1930, s. 12 (d).

³These words were added by Bom. 16 of 1931, s. 2.

⁴Clause (2) was inserted by Bom. 24 of 1930, s. 12 (e).

* On the date on which the Bombay Beggars Act, 1945, read with section 2 of Bom. 53 of 1947, comes into force in any area outside Greater Bombay, this clause shall be repealed in its application to the said area [vide Bom. 23 of 1945, s. 34 (2)].

⁵Clause (3) was inserted by Bom. 34 of 1948, s. 2 (7) (b).

Special provisions respecting cattle habitually allowed to stray.

¹[61A. (1) Where it appears to ²[the Provincial Government,] from the report of the Magistrate of a district or on the representation of a local authority, that in any local area subject to the jurisdiction or control of such Magistrate or authority cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon, ³[the Provincial Government] may by notification direct that the provisions of this section shall have operation in such local area. In such notification ⁴[the Provincial Government] may direct that this section shall apply to cattle generally or to such kind or kinds of cattle as may be specified in the notification, and the provisions of this section shall in such local area be read and construed accordingly.]

(2) In any local area in which this section is in operation, any person who, through neglect or otherwise, fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall be punished with fine which may extend to one hundred rupees or, on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are effectively restrained by means of a rope or other attachment.

(3) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the ⁵Cattle-Trespass Act, 1871. All officers ^{1 of} of police and all police-patels and all members of the village police shall, when ^{1871.} required, aid in preventing resistance to such seizures and rescues from persons making such seizures.:

(4) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.]

Wilful trespass.

⁴[61B. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to ⁵[the Crown] or appropriated to public purposes or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.]

False alarm of fire or damage to fire-alarm.

61C. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise

¹ This section was inserted by Bom. 9 of 1918, s. 2.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ Central Acts.

⁴ Sections 61B, 61C, 61D and 61E were inserted by Bom. 24 of 1930, s. 13.

The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

61D. Whoever is found between sunset and sunrise—

(a) armed with any dangerous instrument with intent to commit an offence, or

(b) having his face covered, or otherwise disguised, with intent to commit an offence, or

(c) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(d) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking shall be punished with imprisonment for a term which may extend to three months.

Being found under suspicious circumstances between sunset and sunrise.

¹[61DD. Whoever not being a member of His Majesty's forces and acting as such or a police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon, in any street or public place, unless by lawful authority, shall be liable to be disarmed by any police officer, and the weapon or weapons so seized shall be forfeited to the Provincial Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Magistrate of the district imposes.]

Carrying weapon without authority.

61E. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees.]

Possession of property of which no satisfactory account can be given.

62. (1) Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

Punishment for cruelty to animals.

(2) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the ²[second] class unless such Magistrate be specially invested with jurisdiction for that purpose by ³[the Provincial Government].

63. Any police-officer who,—

(a) without lawful authority or reasonable cause enters or searches or causes to be entered or searched any building, vessel, tent or place; or

(b) vexatiously and unnecessarily seizes the property of any person; or

Penalty for vexatious search, arrest, etc., by the police.

¹ Section 61DD was inserted by Bom. 59 of 1947, s. 2 (JJ).

² This word was substituted for the word "first" by Bom. 3 of 1915, s. 2 and Sch. I.

³ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(c) vexatiously and unnecessarily detains, searches or arrests any person ; or

(d) offers any unwarrantable personal violence to any person in his custody ;

(e) holds out any threat or promise not warranted by law to a person accused ;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both.

Penalty for vexatious delay in forwarding a person arrested.

64. Any police-officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under section 39 or section 39A or of directions under section 53.

65. Whoever—

(a) contravenes any rule ¹[or order] made under section 39 ²[or ³[any rule made under] section 39A] ; or

(b) opposes or fails to conform to any direction given by the police under section 53 ;

(c) abets the commission of any offence under clause (a) or (b) ; shall be punished with fine which may extend to fifty rupees.

Penalty for contravening rules under section 39AB.

⁴[65AA. Whoever contravenes any rule made under section 39AB shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both].

Penalty for contravening rules made under section 39C.

⁵[65A. Whoever contravenes the provisions of any rule made under section 39C shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to Rs. 200 or with both.]

Penalty for contravening rules, etc., under section 40.

66. Whoever contravenes any rule made under section 40 or any condition of any licence granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to comply with order under section 41.

67. Whoever fails to comply with an order made under section 41 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.

⁶[68. (1) Whoever disobeys an order lawfully made under section 42, 43 or 44 or abets the disobedience thereof shall be punished with imprisonment for a term which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine.

¹ These words were inserted by Bom. 16 of 1946, s. 5.

² These words, figures and letter were inserted by Bom. 4 of 1912, s. 8.

³ These words were inserted by Bom. 16 of 1946, s. 5.

⁴ This section was inserted by Bom. 59 of 1947, s. 3 (12).

⁵ Section 65A was inserted by Bom. 16 of 1946, s. 6.

⁶ This section was substituted for the original, *ibid*, s. 7.

(2) Whoever—

(a) opposes or fails to conform to any direction given by the police under section 47 ;

or

(b) opposes or disobeys any rule made or direction given by the police under section 48 ;

or

(c) contravenes any condition of a licence granted under clause (b) of the said section 48 ;

or

(d) abets the commission of any offence under clause (a), (b) or (c) of this sub-section ;
shall be punished with fine which may extend to two hundred rupees.]

69. Whoever contravenes or abets the contravention of any regulation made under section 45 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of a regulation made under section 45.

70. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 46 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to ¹[one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.]

Penalty for contravention of direction given under section 46.

71. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police officer under section 54, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for opposing or not complying with direction given under section 54.

72. Offences against this Act when the accused person or any one of the accused persons is a police-officer above the rank of a constable shall not be cognizable by a Magistrate below the second class.

Jurisdiction when offender is a police-officer above the rank of constable.

73. It shall not, except in obedience to a rule or order made by ²[the Provincial Government] or by the Magistrate of the district, be incumbent on the police to prosecute for an offence punishable under sections 61, 62, 65, 67, 68, 69 or 70, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for certain offences against the Act to be in the discretion of the police.

74. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment :

Prosecution for offences under other enactments, not affected by the Act.

X of 1882. Provided that all such cases shall be subject to the provisions of section 403 of the ³Code of Criminal Procedure.

¹ These words were substituted for the words "one month, or with fine which may extend to one hundred rupees, or with both" by Bom. 16 of 1946, s. 8.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ See now Act 5 of 1898.

CHAPTER VII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to police-officers. 75. All sums paid for the service of process by police-officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police-officers as informers, shall, except as hereinafter in this section provided, be credited to ¹[the Provincial Government]:

Provided that with the sanction of ¹[the Provincial Government], or under any rule made by ¹[the Provincial Government] in that behalf the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a police-officer or be divided amongst two or more police-officers.

District Magistrate's authority over village police-officers may be delegated to District Superintendent and may be withdrawn. 76. Any Magistrate of a district may delegate to the District Superintendent any authority which such Magistrate himself possesses for police purposes over any village police-officer, and may withdraw such authority.

No municipal or other rates to be payable by Provincial Government on police-buildings. 77. (1) No municipal or other local rates shall be payable by ¹[the Provincial Government] on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

* * * * *

Method of proving orders and notifications issued under this Act. 78. Any order or notification published or issued by ¹[the Provincial Government] or by a Magistrate or officer under any provision of this Act, and the due publication and issue thereof, may be proved by the production of a copy thereof in the ³[Official Gazette] or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure. 79. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid, or insufficient for any defect of form or publication or any irregularity of procedure.

Suspension and revocation of licences. ⁴[79A. Any licence granted under the provisions of this Act may at any time be suspended or revoked by the District Magistrate, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence relates.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² Sub-sections (2) and (3) were repealed by Bom. 1 of 1910, s. 9 and Sch. II.

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

⁴ This section was inserted by Bom. C3 of 1943, s. 2 (2).

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of a person to whom the licence has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom the licence has been granted.]

80. (1) No Commissioner, Magistrate or police-officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No Commissioner, Magistrate or police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

(2) No public servant or person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by [the Provincial Government] or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(3) In any case of an alleged offence by a Magistrate, police officer or other person, or of a wrong alleged to have been done by such Magistrate, police-officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than six months after the date of the act complained of.

Suits or prosecutions in respect of act done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

(4) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(5) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Plaint to set forth service of notice and tender of amends.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.